

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Ken Lerner  
**DATE:** December 2, 2014  
**RE:** 15-0568CU; 30 Dan's Court

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

**Zone:** RL                      **Ward:** 1  
**Owner/Applicant:** David Zuckerman/J. Ladd  
**Request:** Conditional use to add one unit to existing duplex.

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to divide a four bedroom apartment into two units, one with two bedrooms and the second with one bedroom. The additional unit is allowable, as a conditional use, under Section 4.4.5 (d) 5. A. No site work or exterior modifications are included with this proposal.



- Except for a “non-applicability determination” there are no zoning permits on file for this property.

**Recommendation:** Approval as per, and subject to, the following findings and conditions:

## **I. Findings**

### **Article 3: Applications and Reviews**

#### **Part 5, Conditional Use & Major Impact Review:**

##### **(a) Conditional Use Review Standards**

##### *(1) The capacity of existing or planned community facilities;*

The proposed additional dwelling unit will be served by municipal water and sewer service. Adequate capacity is available; however, a wastewater permit from the State of Vermont may be required. **(Affirmative finding as conditioned)**

##### *(2) The character of the area affected;*

This property lies at the north end of Dan's Court, an unaccepted street north of North Street and east of North Willard. The neighborhood is defined by detached single family and multi-family homes, with a cemetery directly north of the site. The proposal while adding a unit likely will result in fewer occupants as four bedroom unit will be converted into two units with a total of three bedrooms. **(Affirmative finding)**

##### *(3) Traffic on roads and highways in the vicinity;*

No traffic information has been provided; however, anticipated traffic impacts are nil as there is an expected decrease in occupancy. **(Affirmative finding)**

##### *(4) Bylaws then in effect;*

As conditioned, the conversion to an additional unit complies with all applicable zoning bylaws. **(Affirmative finding as conditioned)**

##### *(5) Utilization of renewable energy resources;*

No interior changes to the structure itself are proposed. **(Affirmative finding)**

##### *(6) Cumulative impacts of the proposed use;*

The subject property is located in the RL zone wherein residential use is permitted. Per this criterion, cumulative impacts are deemed negligible. **(Affirmative finding)**

##### *(7) Functional family;*

Apartment units in the RL zone are limited to occupancy by a family or functional family that is a maximum of four unrelated residents. The new unit will have to adhere to this standard. **(Affirmative finding as conditioned)**

##### *(8) Vehicular access points;*

Parking areas serving the property exist to the east and south of the building. There are three spaces. No access changes to the lot are proposed. **(Affirmative finding)**

##### *(9) Signs;*

No signage is included in this proposal. **(Not applicable)**

##### *(10) Mitigation measures;*

The proposed additional dwelling unit will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

*(11) Time limits for construction;*

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

*(12) Hours of operation and construction;*

Hours of operation do not apply to the proposed residential use. While the project location is in a residential neighborhood, hours of construction need not be limited as the work is in the interior. **(Affirmative finding)**

*(13) Future enlargement or alterations;*

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

*(14) Performance standards;*

No additional performance standards would apply to this interior change for an additional residential unit. **(Affirmative finding)**

*(15) Conditions and safeguards;*

As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

**Article 4: Maps & Districts**

***Sec. 4.4.5, Residential Districts:***

***(a) Purpose***

***(1) Residential Low Density (RL)***

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

Lot coverage will not increase. Density is not considered as Section 4.4.5 (d) 5. A. allows an additional unit to be added to a structure that contains two or more dwelling units as of January 1, 2007 as a conditional use. This existing building clearly had more than two units. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The additional dwelling unit may be permitted under a conditional use review pursuant to Section 4.4.5 (d) 5 A. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

No changes to the existing structures or to the site are proposed. **(Not applicable)**

***2. Height***

No changes to the existing structures are proposed. **(Not applicable)**

### ***3. Lot Coverage***

No changes to the existing lot are proposed. **(Affirmative finding)**

### ***4. Accessory Residential Structures and Uses (Not applicable)***

### ***5. Residential Density***

The additional dwelling unit may be permitted under a conditional use review pursuant to this subsection. **(Affirmative finding)**

### ***6. Uses***

One additional residential unit is request to replace four boarding rooms. **(Affirmative finding)**

### ***7. Residential Development Bonuses***

None requested. **(Not applicable)**

## **Article 5: Citywide General Regulations**

### ***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

### ***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.5 (b) 5 above.

### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

### ***Sec. 5.5.2, Outdoor Lighting***

No new proposed outdoor lighting. **(Not Applicable)**

### ***Sec. 5.5.3, Stormwater and Erosion Control***

No land disturbance proposed. **(Not Applicable)**

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

Situated in a Neighborhood Parking District parking requirements are calculated are as follows:

Existing (based on current requirements):

Four Bedroom unit	=	2 spaces
One bedroom unit	=	<u>2</u>
Total	=	4 spaces

Proposed (based on zoning amendment 14-07 warned by City Council June 2014):

New two bedroom unit	=	2 spaces
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New one bedroom unit	=	1
Existing one bedroom unit		<u>1</u>
Total =		4 spaces

Three parking spaces are provided. Based on the four space parking requirement in effect for the existing conditions under the 2008 CDO, and the four spaces required under the current pending, but applicable regulations, there is no net increase in required parking.. (**Affirmative finding**)

## II. Conditions of Approval

1. Occupancy of the new residential unit is limited to family or no more than four unrelated individuals as per Section 4.4.5 (d) 5.
2. The Applicant/Property Owner is responsible for obtaining all necessary Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
3. A State of Vermont wastewater permit if required for the new dwelling unit shall be obtained.
4. Any new utility meters and screening (if proposed) shall be identified on the building and is subject to review and approval by staff.
5. Standard permit conditions 1-15.

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**Description of Proposed Use For 30 Dans Court**

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The owners of 30 Dans Court propose to divide the existing 4-bedroom apartment on the first floor into two apartments. One apartment will have 2 bedrooms and the other will have 1 bedroom. The goal of this modification is to improve the quality and marketability of the rental apartments.

No change is proposed for the 1- bedroom apartment on the second floor.

Currently, there are 6 parking spaces available for the apartments on the property. No change in parking spaces is proposed.  
No landscape changes are proposed.

No changes to the exterior of the building are proposed.

**Traffic Generation / Parking Analysis  
for Proposed Modification at 30 Dans Court**

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The proposed modification of 30 Dans Court entails a reduction in bedrooms from 4 to 3.

We intend that the traffic generation will be 75% of the current use.

By the same token, tenant parking needs will be 75% of the current use.

Currently, there are 6 paved parking spaces on the property. Although one paved parking lot accommodates 4 cars currently we recognize that the Burlington regulations do not allow 'double loading' when more than 2 apartments exist. The existing paved parking will accommodate 4 cars, not double loaded. In fact, we anticipate a tenant parking need for 3 cars.



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N ←

30 DAns Court

1" = 10'

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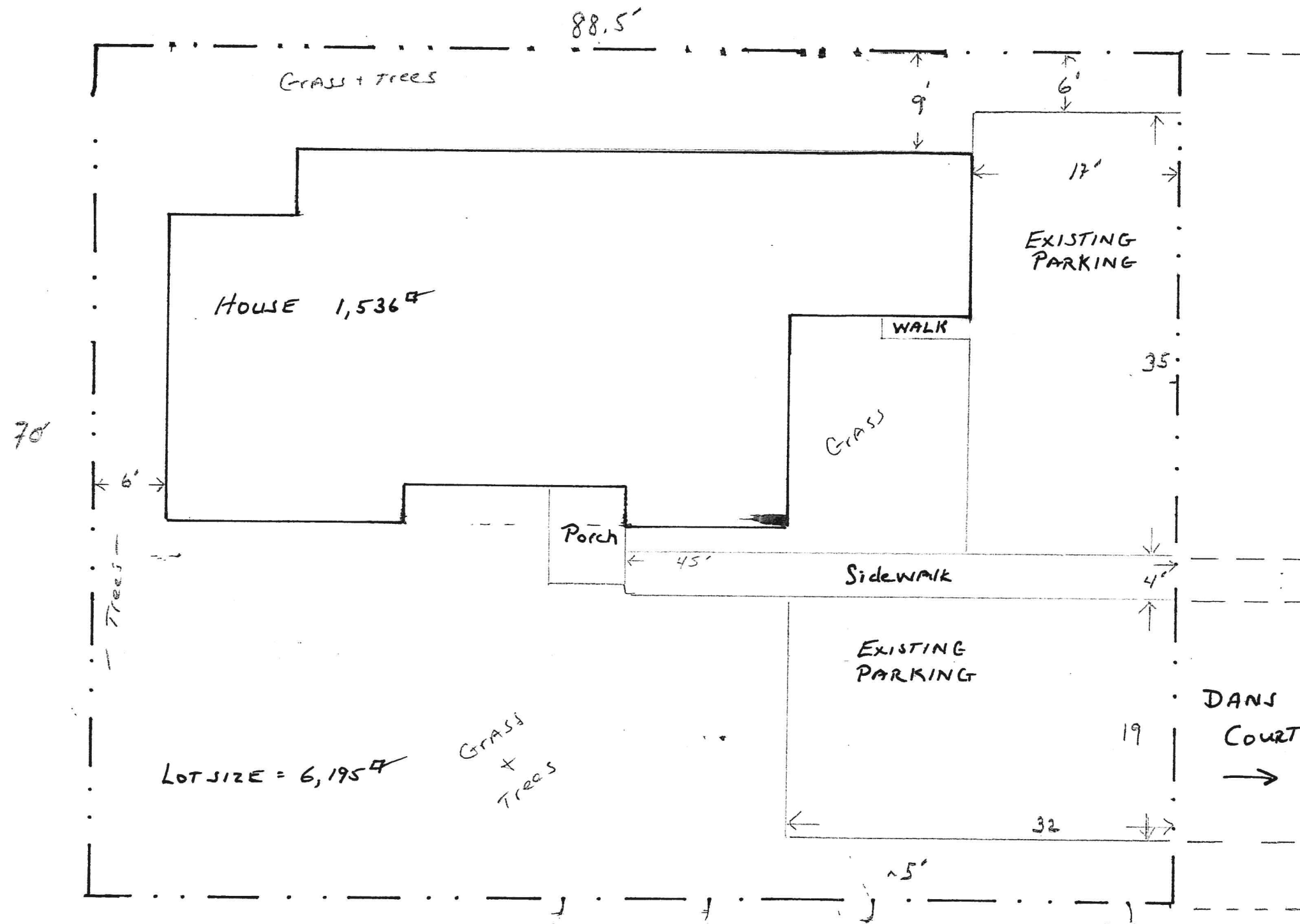
**Lot Coverage at 30 Dans Court**

<b>Existing:</b>		
House	1,536	
Paved parking	595	
	608	
Porch	48	
Sidewalk	180	
	<u>2967</u>	

**Lot Size:** 70x88.5      **6195**

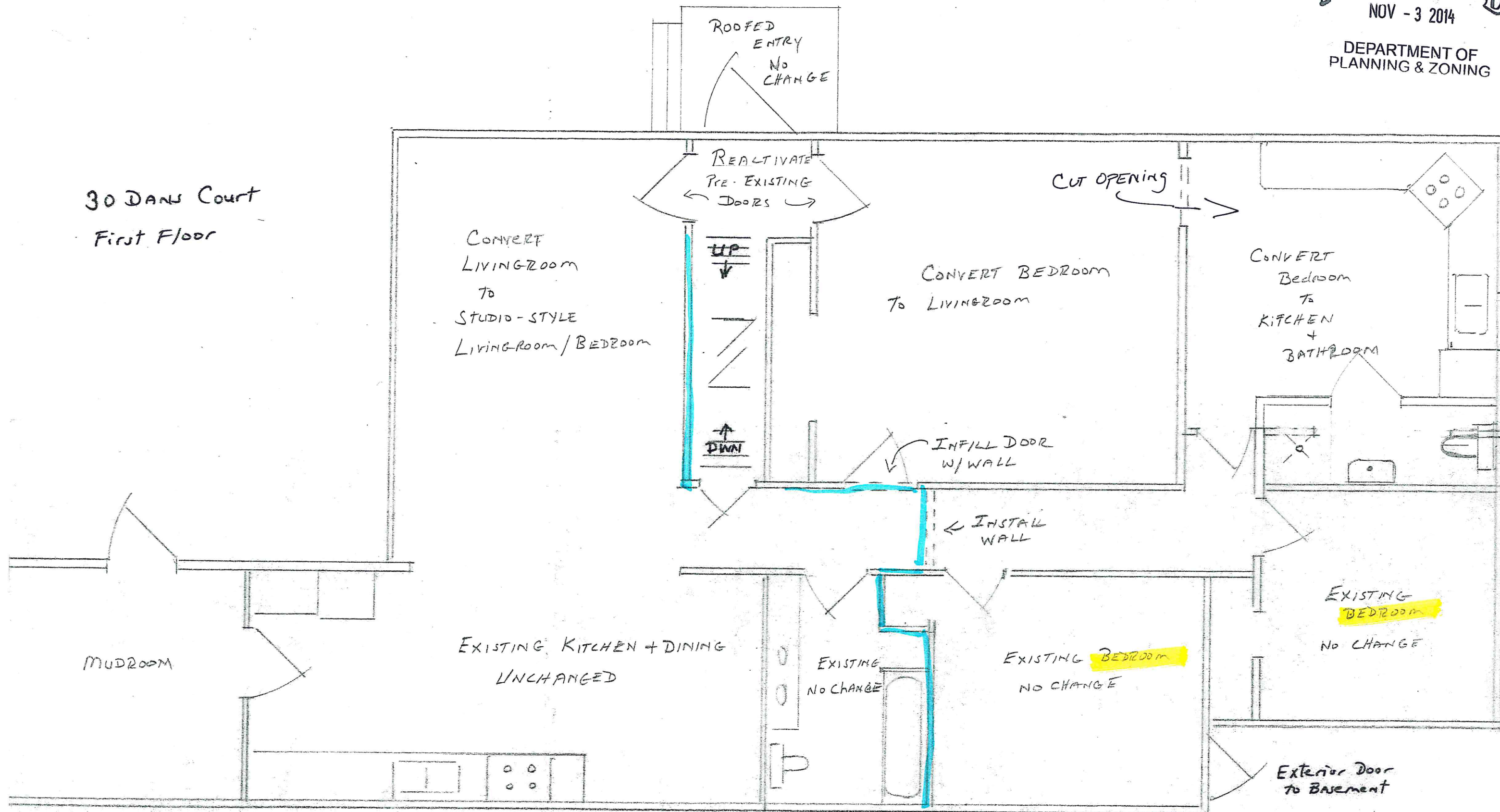
**Existing Coverage:**      **48%**

**Proposed: No Change**      **2967**  
**6195**  
**48%**





30 DANU Court  
First Floor



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Lot Coverage at 30 Dams Court.

2967  
6195  
48%

